

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

## **MEMORANDUM AND ORDER**

## **Proud, Magistrate Judge:**

This matter is now before the Court on the parties' Agreed Motion to Remand to the Commissioner. (**Doc. 22**).

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, "the ALJ will: (1) further consider all of the medical opinions and other source evidence of record, including the

<sup>1</sup> This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 10.

medical source opinions of Drs. Gilliland and Rosch, and give reasons for the weight assigned to those opinions; (2) reassess the claimant's mental residual functional capacity and provide appropriate rationale with specific references to evidence of record in support of the assessed limitations; and (3) if warranted, obtain supplemental evidence from a vocational expert at step five."

The Court notes that plaintiff applied for disability benefits in December 2011. (Tr. 22). Plaintiff's application has now been pending for four years. While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion to Remand to the Commissioner (**Doc. 22**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Marshal Blanford's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

**IT IS SO ORDERED.**

**DATED: December 14, 2015.**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**UNITED STATES MAGISTRATE JUDGE**